IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 7739 of 2005

Between:

1 S. Hussain, S/o. S. Mathan, R/o. Plot No. 558 Suraram Colony,

Qutubullahpur Mandal, Ranga Reddy District.
2 M. Narasimha, S/o. M. M. Rangayya, R/o.Plot No. 556 Suraram Colony,

Qutubullahpur Mandal, Ranga Reddy District.
3 Ch. Subbayya, S/o. Ch. Venkaiah, R/o. Plot No. 444 Suraram Colony,

Qutubullahpur Mandal, Ranga Reddy District.
4 K. Sura Reddy, S/o. K. Muthi Reddy, R/o. Plot No. 558 Suraram Colony,

Qutubullahpur Mandal, Ranga Reddy District.
5 P. Krishna Reddy, S/o. Y. Yaoe Reddy, R/o. Plot No. 445 Suraram

Colony, Qutubullahpur Mandal, Ranga Reddy District.
6 N. Ranga Reddy, S/o. N. Pichhi Reddy, R/o. Plot No. 479 Suraram

Colony, Qutubullahpur Mandal, Ranga Reddy District.

..... PETITIONER(S)

AND

Qutubullahpur Municipality, Qutubullahpur Ranga Reddy District,
Rep by its Commissioner

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the respondent municipality in converting the open space in Sy.No. 107 earmarked for the benefit of the residents of the Suraram Colony, Qutubullahpur Municipality, Ranga Reddy District as illegal and consequently direct the respondent municipality not to convert the open space for other purposes.

Counsel for the Petitioners : MR.O.MANOHER REDDY

Counsel for the Respondent : MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

The Court made the following :

ORDER : (per Hon'ble Sri Bilal Nazki, ACJ)

Heard learned Counsel for the parties. Counter affidavit has been filed.

The grievance of the petitioners is that when the layout for the colony in which they are living was approved, an extent of 1416 square yards of land was shown as vacant space for the benefit of the plot owners. In this space, a bore well is dug by the Municipality and the water is being used by the residents residing in and around the place. It is further submitted that this open space is being used by the residents of the locality for the community purpose, beneficial to them. It is also being used as playground by the children. A notice was put up on 27.3.2005 stating that a compound wall would be constructed by spending an amount of Rs.3,00,000/-. Their grievance is that by constructing a compound wall, the residents of colony would be deprived of the benefits enjoyed by them.

In the counter affidavit it has been stated that the land is being walled so that there is no encroachment. The entry of the inhabitants to the area is not being prohibited. No constructions are being made in the area and the place shall remain as open space, but will have to be protected from encroachment.

We do not think that the respondents have done anything illegal by trying to protect the property, which would otherwise be encroached upon. In view of the submissions made in the counter affidavit, we do

not see any ground to allow this writ petition, which is accordingly dismissed. No order as to costs.

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(BILAL NAZKI, ACJ)

22nd June 2005.

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(G. CHANDRAIAH, J)

ajr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner, Qutubullahpur Municipality, Qutubullahpur, Ranga Reddy District.

2 2 CD copies

3 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

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